

Exhibit A To November 25, 2015 Letter:
Alternative Relief Sought in The Event
Preclusion Is Not Granted

In the event that the Court determines not to grant preclusion, BA respectfully requests that the Court:

- Order the plaintiffs to produce the assumptions made, code, data and sources relied upon for Dr. Engle's report provided on November 20, 2015, as well as Dr. Engle's engagement letter and bills in accordance with the parties' prior agreement regarding the exchange of expert discovery, and that they do so no later than December 9, 2015;
- Allow BA to submit a rebuttal report from Dr. Hildreth on December 21, 2015;
- Allow BA to depose Dr. Engle in late January 2016;
- Allow BA to submit a sur-reply to the plaintiffs' motion to exclude Dr. Hildreth ("Hildreth *Daubert*") after Dr. Engle is deposed;
- Order the plaintiffs to pay all BA's attorneys' fees, expert fees, and costs in connection with: (a) this motion; (b) Dr. Hildreth's responsive report; (c) Dr. Engle's deposition; and (d) Dr. Hildreth's sur-reply;
- Reschedule BA's deadline for its motion for summary judgment for 30 days after BA's sur-reply to the Hildreth *Daubert* motion;
- Preclude Dr. Engle's testimony in support of the plaintiffs' motion for class certification, to support or oppose summary judgment, or at trial; and
- If Dr. Engle is allowed to testify at trial or is used in support or opposition of class certification or summary judgment, allow BA to submit a *Daubert* motion related to Dr. Engle and to file a supplemental opposition to the plaintiffs' class certification motion.